ONTARIO LABOUR RELATIONS BOARD
ANNUAL REPORT
2009-2010

June 2010
Chair – Kevin Whitaker

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Chair's Message 2009-2010

Founded in 1943, the Ontario Labour Relations Board is the largest labour and employment tribunal in Canada. Widely regarded as the premier administrative tribunal in Ontario, the Board administers over twenty different pieces of legislation and has a current caseload of approximately 5700 files. The Board is regarded nationally as the leading jurisdiction in the continuing development of labour law and the processes used in mediation and adjudication.

The Board issues about 6500 decisions a year and settles close to 90 per cent of all applications filed. The median time between the filing of an application and a final decision or settlement for matters initiated in the last year is 37 days.

As an independent administrative tribunal the Board exercises authority and jurisdiction over a wide range of different types of workplace disputes. Regardless of what statute we are working under, the Board's first priority is to assist the workplace parties in the expeditious, practical and effective resolution of their dispute. We strongly believe that the best outcome is a negotiated settlement that the parties construct themselves, which enables them to quickly get back to the business of their own workplace.

Besides its own unique role and identity, the Board anchors and leads a larger cluster of tribunals, dealing with different aspects of workplace law and adjudication.

In the late nineties, the Board merged with the Office of Adjudication and acquired responsibility for appeals under the *Employment Standards Act* and the *Occupational Health and Safety Act.* The Pay Equity Hearings Tribunal now chaired by the Board's Alternate Chair, is housed physically within the Board and uses the Board's administrative, professional and support staff. The Colleges Relations Commission and the Education Relations Commissions are similarly operated from within the Board with members and administrative staff cross-appointed to both. Board Vice-Chairs are cross-appointed to the Human Rights Tribunal of Ontario and the Board shares certain administrative services and physical space with the Workplace Safety and Insurance Appeals Tribunal. The Board's Registrar/Director is also the Registrar Director of the Pay Equity Hearings Tribunal and the Education and Colleges Relations Commissions.

Increasingly, the model of clustering tribunals that provide similar adjudicative services in the same sectors is being transported to other areas of adjudication in Ontario and in other provinces. In the past year, the

government of Ontario has created two new clusters of administrative tribunals, structurally based on the OLRB model. The benefits of clustering tribunals include an efficient use of resources, consistency of process and outcome and the ability to maintain and monitor quality control practices across a wide range of subject matter. These objectives are accomplished while at the same time safeguarding the particular and unique expertise of each agency or tribunal.

This exercise of clustering tribunals that work in related areas is regarded as an appropriate method of balancing independence with the need to ensure that scarce public resources are put to best use. The Board is understood to be a leader in the development of the cluster model and is regularly consulted for advice and assistance with other clustering projects both within and outside Ontario.

The Board has also developed a nationally recognized expertise in the development of alternative and expedited adjudicative processes. Tribunals in other sectors and provinces have increasingly adopted the "consultation" process pioneered by the Board over the last twelve years. In a number of cases now, the Courts have commented favourably on the Board's ability to use the consultation process to achieve expeditious and cost effective, fair adjudicative outcomes. Indeed, some features of the consultation process have been introduced into new Court procedures that permit Judges to make factual determinations in summary proceedings on the basis of written material or limited evidence and information.

The Board continually looks for new ways to speak with, listen to and interact with its community of users. In the last year, the Board has introduced a number of changes and amendments to its Rules and forms in response to suggestions originating from the Board's Community Advisory Committee.

This last year, as throughout the Board's history, our successes come directly from the expertise and dedication that our staff brings to their jobs, every day of the year. All of us remain committed to provide the highest quality of dispute resolution to our extended user communities.

We look forward to another year of service to the public and as always, we welcome your comments, suggestions and inquiries.

Kevin Whitaker
Chair: Ontario Labour Relations Board
Colleges Relations Commission
Education Relations Commission

OLRB Annual Report 2009-2010

Accountability Statement

The OLRB's Annual Report for the fiscal year ending March 31, 2010 was prepared under my direction for submission to the Minister of Labour in accordance with the ***Agency Establishment and Accountability Directive – 2010***, as issued by Management Board of Cabinet .

Preface

The Public Accounts of Ontario are the annual financial statements that are prepared in compliance with the requirements of Section 13 of the *Ministry of Treasury and Economics Act*. The Public Accounts consist of the financial report of the Government of Ontario and the financial reports of each ministry. In accordance with the Ministry of Labour's Delegation of Financial Authority Framework, financial authority is delegated to the agency. Each year the OLRB verifies that all its transactions are reflected accurately and completely in the Public Accounts through the execution of a Certificate of Assurance.

The Results Based Plan of the Ministry of the Labour, which is to be released in the fall of each year, contains the Ministry's mission and accountability statements, the consolidated financial/allocation statements of the Ministry and an annual comparison of actual performance results to desired results set out in the Ministry business plan.

As an agency of the Ministry of Labour, the OLRB's Annual Report is subject to the minimum reporting requirements established in the ***Agency Establishment and Accountability Directive***, including:

- financial statements that have been audited or subject to the appropriate level of external assurance;
- analysis of operational performance;
- analysis of financial performance;
- names of appointees and term of appointments
- performance measures, targets achieved/not achieved and action to be taken.

This report covers the fiscal year April 1, 2009 to March 31, 2010.

I Organizational Overview

- Key Program Activities, Legislative Authority, Mandate
- OICs and Staff

OLRB – Key Program Activities

Today, the OLRB exercises authority under a broad spectrum of some twenty different workplace and employment related laws. In addition to those areas of law for which we are formally responsible, we provide senior administrative and institutional support for our cluster of workplace related agencies: the Pay Equity Hearings Tribunal, the Colleges Relations Commission and the Education Relations Commission. Moreover, the "clustering" of Tribunals across the administrative justice sector is led by the OLRB and represents the most efficient public model example to date of how to improve the quality of administrative justice and dispute resolution through modern, streamlined and efficient administration.

The Board is an independent tribunal mandated to handle a variety of different applications, under a number of different pieces of legislation, including:

- *Colleges Collective Bargaining Act,* R.S.O. 1990, c. C.15
- *Community Small Business Investment Funds Act*, S.O 1992, c.18.
- *Crown Employees Collective Bargaining Act*, 1993, S.O. 1993, c. 38
- *Education Act,* R.S.O. 1990, c. E.2
- *Employment Standards Act*, R.S.O. 1990, c.E.14
- *Environmental Bill of Rights Act*, 1993, S.O. 1993, c. 28
- *Environmental Protection Act*, R.S.O. 1990, c. E.19 which gives the Board jurisdiction under the following legislation:
  * *Environmental Assessment Act*, R.S.O. 1990, c. E.18
  * *Environmental Protection Act*, R.S.O. 1990, c. E.19
  * *Ontario Water Resources Act*, R.S.O. 1990, c. O.40
  * *Pesticides Act*, R.S.O. 1990, c. P.11
  * *Fisheries Act*, R.S.C. 1970, c. F-14
- *Fire Protection and Prevention Act, 1997,* S.O. 1997, c.4
- *Hospital Labour Disputes Arbitration Act*, R.S.O. 1990, c. H.14
- *Labour Relations Act, 1995*, S.O. 1995, c. 1, Sch. A
- *Occupational Health and Safety Act*, R.S.O. 1990, c. O.7
- *Public Sector Labour Relations Transition Act*, 1997, S.O. 1997, c. 21
- *Public Service of Ontario Act*, R.S.O. 2006, c. P.47
- *Smoke Free Ontario Act (unlawful reprisals)*, Regulation 48/06

The Ontario Labour Relations Board (the "Board") was established by section 2 of the *Labour Relations Act, 1948* (the "Act") and is continued by subsection 110(1) of the *Labour Relations Act, 1995* S.O. 1995, C1, as amended. The Board is an adjudicative agency of the Government of Ontario and its staff is appointed under the *Public Service of Ontario Act.*

The Board is an independent, adjudicative tribunal issuing decisions based upon the evidence presented and submissions made to it by the parties, and upon its interpretation and determination of the relevant legislation and jurisprudence. It

plays a fundamental role in the labour relations regime in Ontario and encourages harmonious relations between employers, employees and trade unions by dealing with matters before it as expeditiously and as fairly as reasonably possible.

The Board's primary work is administering the *Labour Relations Act, 1995*, which regulates many aspects of collective bargaining in Ontario. The legislative policy underlying the Act is set out in section 2:

2. The following are the purposes of the Act:

1. To facilitate collective bargaining between employers and trade unions that are the freely designated representatives of the employees.

2. To recognize the importance of workplace parties adapting to change.

3. To promote flexibility, productivity and employee involvement in the workplace.

4. To encourage communication between employers and employees in the workplace.

5. To recognize the importance of economic growth as the foundation for mutually beneficial relations amongst employers, employees and trade unions.

6. To encourage co-operative participation of employers and trade unions in resolving workplace issues.

7. To promote the expeditious resolution of workplace disputes.

With this policy as a basis, the Act confers on the Board the authority over many important aspects of labour relations, including the certification of unions to represent employees, unfair labour practices, successor bargaining rights, strikes and lock-outs, first contract directions, jurisdictional disputes and the arbitration of grievances in the construction industry. In order to carry out this mandate, the full Board is composed of a Chair, an Alternate Chair, Vice-Chairs, and Board Members. These individuals draw upon specialized expertise in labour relations in hearing and determining cases before them. The Board strives to keep its procedures informal, expeditious and fair, and to avoid being overly technical or legalistic. However, it is important to recognize that legal rights are in issue, the statutory framework is often complex, and, these days, it is common for parties to be represented by lawyers.

Under section 114(1) of the *Labour Relations Act, 1995*, the Board has the exclusive jurisdiction to exercise the power conferred upon it and to determine all questions of fact or law that arise. Its decisions are not subject to appeal and a privative clause in the Act limits the scope of judicial review. The Board does have the power to reconsider any of its decisions, although it exercises this jurisdiction carefully in the interests of finality and fairness. The Board is also entitled to determine its own practices and procedures and to make rules. Those rules and the forms for commencing or responding to cases are available on the OLRB's website www.gov.on.ca/lab/olrb/eng/homeeng.htm or, directly, from the Board at 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1, in both paper form and computer disk.

Order in Council (OIC) Appointments:

ADJUDICATORS	PERIOD		ORIGINAL APPT.
CHAIR			
*Kevin Whitaker	Sep 20/07 – May 19, 2010	*appointed to Superior Court of Justice Ontario (Toronto)	Sep 20/01-C; Mar 22/95-VC; PT June 24/98-Dec 22/99
ALTERNATE CHAIR			
Diane L. Gee	Aug 1/08 – July 31/13		August 1, 2008
VICE-CHAIRS (Full Time) - 16			
Ian B. Anderson	Mar 24/07 – Mar 23/12		March 24, 2004
Harry Freedman	July 08/07 – July 07/12		July 8, 1998
Patrick M. Kelly	May 18/08 – May 17/13		May 17, 1999
John Lewis	Mar 11/09 – Mar 10/11		March 11, 2009
Mark Lewis	Sep 27/09 – Sep 26/14		September 27, 2006
David A. McKee	Apr 30/08 – Apr 29/13		April 29, 1999
Mary Anne McKellar	Jan 24/07 – Jan 23/12		January 24, 2001
Brian C. McLean	July 08/07 – July 07/12		July 8, 1998
Caroline Rowan	May 07/08 – May 06/13		May 6, 1999
Christine Schmidt	Dec 10/08 - Dec 09/10		December 10, 2008
Susan J. Serena	May 28/09– May 27/14		May 28, 2003
Ronald Shouldice	May 30/09 – May 29/12		May 30, 2007
Marilyn Silverman	Apr 30/08 – Apr 29/13		April 29, 1999
Jack J. Slaughter	Feb 03/09 – Feb 02/14		February 3, 2003
Tanja Wacyk	May 28/09 – May 27/14		May 28, 2003
Kelly A. Waddingham	Jan 01/08 – Dec 31/12		PT April 7 – Dec. 31, 2004 FT Jan 1, 2005
VICE-CHAIRS (Part Time) - 8			
Christopher J. Albertyn	Sep 01/07 – Aug 30/12		PT Oct 7/94 - Mar 8/95; FT Mar 9/95 - Aug. 31/04; PT09/04
Peter F. Chauvin	Oct 1/07 – Mar 23/12		FT Mar 24/04 - Sep 30/07 PT Oct 1/07
Mary Ellen Cummings	Aug 1/08 - July 31/13		PT Aug 1/08 ALT Jan 1/99 – Jul 31/08 VC Aug 13/97– Dec 31/98
Charles E. Humphrey	Sep 8/09 – Sep 7/11		PT Sep 8/09
Norman Jesin	Aug 25/07 – Aug 24/12		PT August 25, 2004
Lyle Kanee	Feb 25/09 – Feb 24/11		PT Feb 25/09
Corinne F. Murray	Feb 03/09 – Feb 02/14		FT Feb 3/03 – Feb 2/09 PT Feb 3/09
Timothy W. Sargeant	June 30/07 – June 29/12		FT Feb 28/96 – June 30/07 PT June 30/07

BOARD MEMBERS	PERIOD		ORIGINAL APPT.
EMPLOYERS – Full Time - 5			
R. D. Paul LeMay	Dec 15/08 – Dec 14/13		December 15, 2005
Richard J. O'Connor	Nov 06/08 – Nov 05/13		November 6, 2002
Barry K. Roberts	May 16/09 - May 15/12	*resigned effective April 30th	May 16, 2007
Judith A. Rundle	July 17/07 – July 16/12		July 17, 1986
John A. Tomlinson	Nov 06/08 – Nov 05/13		November 6, 2002
EMPLOYEES – Full Time - 5			
Richard A. Baxter	Apr 03/09 – Apr 02/14		April 3, 2006
Alan Haward	Mar 25/07 – Mar 24/12		March 25, 1998
Shannon R. B. McManus	Dec 15/08 – Dec. 14/13		December 15, 2005
David A. Patterson	Apr 02/07 – Apr 01/12		April 2, 1986
Carol Phillips	Jan 14/09 – Jan 13/11		January 14, 2009

Board Staff and Key Activities

The OLRB's operations and staff can be broadly divided into: The Board, Administration, Field Services (mediation), and Legal Services. The administrative, field, and legal staff are civil service appointments. The Board is composed of a Chair, an Alternate Chair, Vice-Chairs and Board Members. The Chair, Alternate Chair, Vice-Chairs and Board Members are appointed by the Lieutenant Governor in Council as Order in Council appointments (OIC).

ADMINISTRATION:

Office of the Director and Registrar

The Director and Registrar is the chief administrative officer of the Board. He is responsible for the overall administration of the Board's businesses: operations, mediation and adjudication. The Director and Registrar oversees the effective processing and scheduling of each case, and communicates with the parties in matters relating to the mediation of cases, scheduling of hearings or on particular problems in the processing of any given case. Every application received by the Board enters the system through the Director and Registrar's office.

Manager of Administration

The Manager of Administration is responsible for the efficient operation of the Board through the effective and efficient coordination of the procurement and budget functions, human resources functions, client services, Information and Information Technology, and the provision of administrative direction for all shared/common services.

Library Services

Comprised of the former Ontario Labour Relations Board Library, the Workplace Safety and Insurance Appeals Tribunal Library and the Pay Equity Commission Library, the Ontario Workplace Tribunals Library is situated in the Board offices at 505 University Avenue, Toronto on the 7th floor.

Library holdings related to the OLRB include all reported OLRB decisions from 1944 to date, all judicial reviews of OLRB decisions from 1947 to date, all bargaining unit certificates issued by the OLRB from 1962 forward. In addition, the Library has a collection of all Employment Standards review decisions from 1970 to date and all Occupational Health and Safety appeal decisions from 1980 to date. Textbooks, journals and case reports in the areas of labour, administrative and constitutional law are also held.

Field Services: (Mediation)

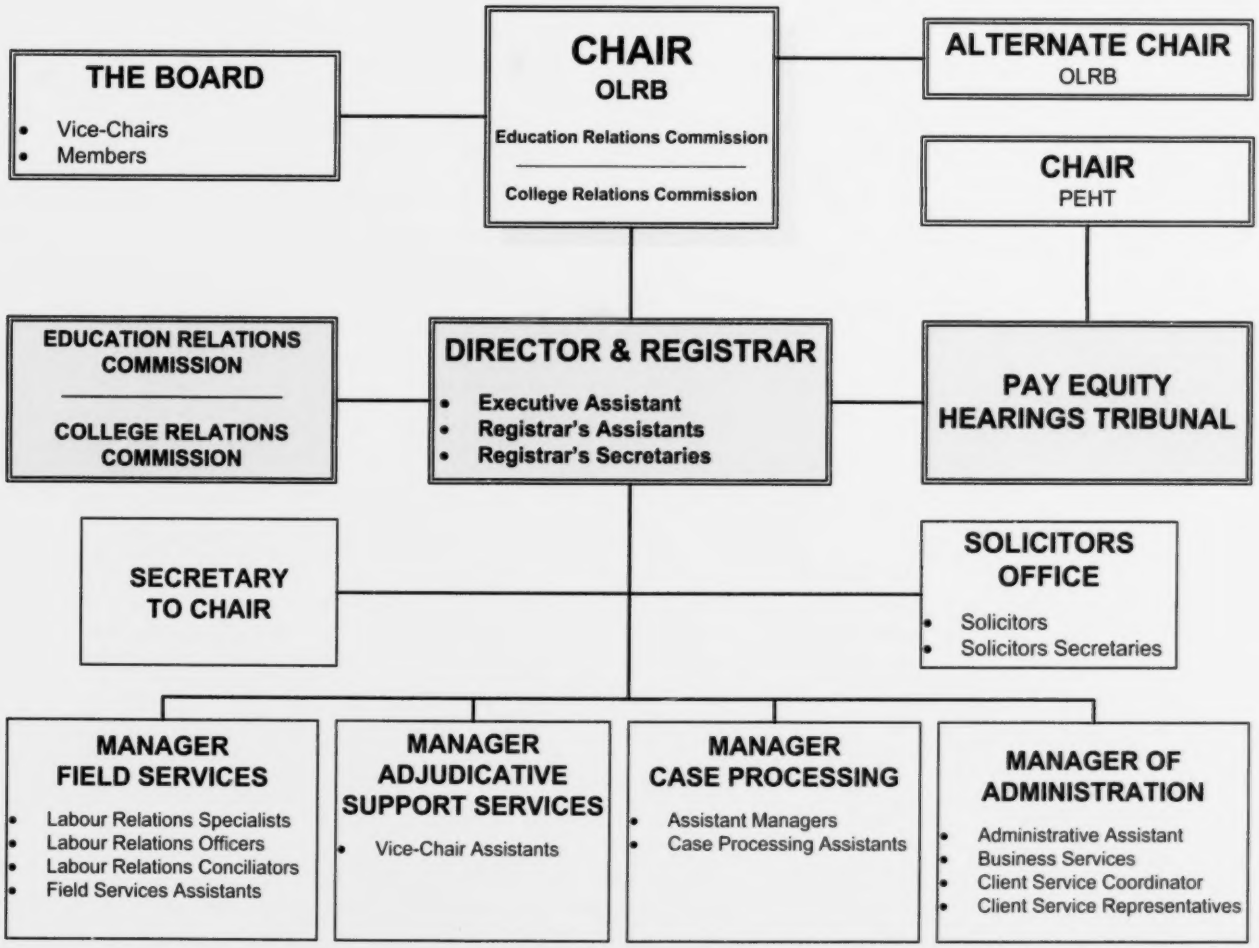
The Board is a pioneer in the area of alternative dispute resolution. The Manager of Field Services, Labour Relations Specialists, and Labour Relations Officers, are responsible for mediating settlements in all of the Board's cases. In addition to settling cases, Labour Relations Officers assist parties in identifying issues and streamlining the cases that do get adjudicated in order to avoid unnecessary litigation. They also, along with the Board's Conciliation Officers, carry out the Board's pre and post vote phone mediation program and conduct representation and final offer votes.

Legal Services:

Legal Services to the Board are provided by the Solicitors' Office, which consists of two Board Solicitors. The Solicitors provide legal research, advice, opinions and memoranda to the Chair, Vice-Chairs, Board Members, Labour Relations Officers and administrative staff. They are extensively involved in changes to the Board's rules of procedure and forms and contribute to the continuing education of staff. The Board's Solicitors also represent the Board in court proceedings, including applications for judicial review.

ONTARIO LABOUR RELATIONS BOARD

Labour and Employment Cluster



June 2010

II Executive Summary – Overview of Results

Operational Performance:
- Caseload analysis
- Caseload and statistical tables

OLRB - Operational Performance:

CASELOAD ANALYSIS, CASE MANAGEMENT EFFICIENCIES and STATISTICAL TABLES/GRAPHS 2009-2010

Caseload Analysis

In fiscal year 2009-2010, the Board had a total caseload of 5,558 applications, appeals and complaints, a decrease of 1.7% from 2008-2009.

The Board received 4,007 new cases and 1,551 cases were carried over from the previous year. Of the total caseload, 3,675 were disposed of during the year and 1,883 were pending in various stages of processing/mediation/adjudication on March 31, 2010.

Note: The section numbers referred to below correspond to the Labour Relations Act, 1995, S.O. 1995, c.1, Schedule A ("Bill 7").

Labour Relations Officer Activity

Labour Relations Specialists and Officers are the Board's professional mediators. They are assigned to every Board case in an effort to facilitate settlements in matters brought before the Board, without the need for formal litigation before the Board itself. **(Table 3)**

Of those cases in which activity was completed and cases disposed by the end of the year, 83.8% of these cases were settled with the assistance of Labour Relations Officers. Officers referred 597 cases to the Board for decisions or proceedings; and settlement efforts were continuing in 1,883 cases on March 31, 2010.

Vice-Chair/Adjudicator Decisions

Vice-Chairs wrote 6,442 decisions covering 4,646 cases between April 1, 2009 and March 31, 2010.

Disposition Time – Major Categories

Table 6 provides statistics on the time taken by the Board to process the 2,785 cases disposed of in 2009-2010, excluding cases in which proceedings were adjourned sine die. Information is shown separately for the three major categories of cases handled by the Board – Certification applications, complaints of Contravention of the

Act, and Referrals of Grievances under Construction Industry Collective Agreements – and for the remaining categories combined.

Overall median times to proceed from filing to disposition for the 2,785 cases **was 37 days**. **Median times for the three major categories of cases:** 508 certification applications were processed in a median of 18 days; 504 complaints of contravention of the Act took 62 days; 461 referrals of construction industry grievances required 11 days, and the remaining 1,312, for all other categories combined, took 55 days.

Certification of Bargaining Agents

In 2009-2010, the Board received 623 applications for certification of trade unions as bargaining agents of employees, a decrease of 16% from 2008-2009. (Table 1)

In addition to the 623 applications received, 252 cases were carried over from last year, making a total certification caseload of 875 in 2009-2010. Of the total caseload, 559 were disposed of and 316 cases were pending on March 31, 2010. Of the 559 dispositions, certification was granted in 320 cases; 108 cases were dismissed; 6 cases were terminated; and 125 cases were settled. The certified cases represented 46.4% of the total dispositions. **(Table 1)**

Of the 428 applications that were either certified or dismissed, final decisions in a number of cases were based on the results of representation votes. Of the 304 votes conducted, 280 involved a single union on the ballot, and 24 were between two unions. Applicants won in 210 of the votes and lost in the other 84. (Table 5)

A total of 14,145 employees were eligible to vote in the 304 elections, of whom 10,869 or 76.8% cast ballots. In the 182 votes that were won and resulted in certification, 9,807 or 77.4% of the 12,669 employees eligible to vote cast ballots. Of these voters, 5,764 or 58.8% favoured union representation. In the 84 elections that were lost and resulted in dismissals, 4,353 employees participated, and, of these, 1,234 or 28.4% voted for union representation. **(Table 5)**

Seven unions, each with more than 25 applications, accounted for 57% of the total filings: Labourers (133), Carpenters (63), Canadian Auto Workers (29), Canadian Union of Public Employees (CUPE) (47), Painters (29), Food and Commercial Workers (25), and Bricklayers International (29). In contrast, fifteen unions filed fewer than five applications each. These unions together accounted for 5.8% of the total certification filings. **(Table 7)**

Table 8 gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 97.9% of the applications received, concentrated in construction (286) and other services (171). These two groups comprised 74.9% of the total non-manufacturing applications. The 13 applications involving establishments in manufacturing industries comprised 2.1% of the new applications

Size and Composition of Bargaining Units

Small units continued to be the predominant pattern of union organizing efforts through the certification process in 2009-2010. The average size of the 319 bargaining units in the 317 applications that were certified was 28 employees, compared with 26 employees in 2008-2009. The 145 units in construction certifications averaged 8 employees, and the 172 units in non-construction certifications averaged 46 employees. 84.9% of the total certification applications involved units of fewer than 40 employees, and 49.8% applied to units of fewer than ten employees. The total number of employees covered by the certification applications granted decreased to 9,002 from 10,315 in 2008-2009. **(Table 9)**

Of the employees covered by the certification applications granted, 476, or 6.5%, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 351 employees. Full-time and part-time employees were represented in units covering 856 employees, including units that did not specifically exclude employees working 24 hours or less a week. **(Tables 11 and 12)**

Fifteen and one-half (15.5) percent of the employees, or 1,395 were employed in production and related occupations. **(Tables 13 and 14)**

Disposition Time – Certifications Granted

A median time of 17 working days were required to complete the 320 certification applications granted from receipt to disposition. For non-construction certification, the median time was 17 days for 173 cases; and for construction certification, the median time was 17 days for 147 cases. **(Table 10)**

Eighty-four point one (84.1) percent of the 320 certification applications granted were disposed of in 84 days (3 months) or less. **(Table 10)**

Termination of Bargaining Rights

In 2009-2010, the Board received 140 applications under sections 63, 65, 66, 67, and 132 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 22 cases were carried over from 2008-2009. **(Table 1)**

Of the 162 cases processed, bargaining rights were terminated in 7 cases, 36 cases were dismissed, 22 cases were settled and 50 cases were pending on March 31, 2010.

38 representation votes were held on 83 cases that were either granted or dismissed. A total of 1,476 employees were eligible to vote in the 38 elections that were held, of whom 1,062 or 72% cast ballots. Of those who cast ballots, 128 voted for continued representation by unions and 221 voted against. **(Table 5)**

Representation Votes

In 2009-2010, the Board's Labour Relations Officers and Conciliators conducted a total of 400 representation votes among employees in one or more bargaining units. Of the 400 votes conducted, 336 involved certification applications, and 64 were held in applications for termination of existing bargaining rights. **(Table 4)**

Of the certification votes, 229 involved a single union on the ballot, and 37 involved two unions.

A total of 25,225 employees were eligible to vote in the 400 elections that were conducted, of whom 17,918 or 71% cast ballots. Of those who participated, 42.3% voted in favour of union representation. In the 336 elections in certification applications, 70.7% of the eligible voters cast ballots, with 43.7% of the participants voting for union representation.

In the 64 votes in applications for termination of bargaining rights, 74.5% of the eligible voters cast ballots, with only 27.8% of those who participated voting for the incumbent unions.

Final Offer Votes

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section

42(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are assigned to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 14 requests dealt with by the Board during the fiscal year, 5 cases were granted, 1 case was dismissed, 1 case was settled, and the remaining 7 cases were pending on March 31, 2010. **(Table 1)**

In the 6 votes held, employees accepted the employer's offer in 5 cases and rejected the offer in 1 case.

Declaration of Successor Trade Union

In 2009-2010, the Board dealt with 6 applications for declarations under section 68 of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction. Affirmative declarations were issued by the Board in 2 cases. **(Table 1)**

Declaration of Successor or Common Employer Status

In 2009-2010, the Board dealt with 295 applications for declarations under section 69 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a business sale, or for declarations under section 1(4) to treat two companies as one employer. The two types of requests are often made in a single application.

Affirmative declarations were issued by the Board in 23 cases, 8 applications were dismissed, 111 cases were settled and 153 cases were pending on March 31, 2010. **(Table 1)**

Declaration/Direction of Unlawful Strike

In 2009-2010, the Board dealt with 19 applications seeking a declaration under section 100 regarding an alleged unlawful strike by employees in the non-construction industry. Eleven cases were settled, and four cases were granted. 4 cases were pending on March 31, 2010. **(Table 1)**

Consent to Prosecute

In 2009-2010, the Board dealt with 6 applications under section 109 of the Act requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act. One case was settled, and the 5 remaining cases were pending on March 31, 2010. **(Table 1)**

Complaints of Contravention of Act

Complaints alleging contravention of the Act may be filed with the Board under section 96 of the Act. In handling these cases the Board emphasizes settlements facilitated by its labour relations officers.

In 2009-2010, the Board received 658 complaints under this section. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of section 70 and 72 of the Act, illegal changes in wages and working conditions contrary to section 86, and failure to bargain in good faith under section 17. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 394 cases were carried over from 2008-2009. Of the 1,052 cases processed, 449 were settled, and 428 cases were pending on March 31, 2010. **(Table 1)**

In 624, or 59.3%, of the 1,052 dispositions, settlements and withdrawals of the complaint were secured by labour relations officers **(Table 3)**. Remedial orders were issued by the Board in 22 cases, 147 cases were dismissed, and 6 cases were terminated. **(Table 1)**

Construction Industry Grievances

Grievances over alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 133 of the Act. As with complaints of contravention of the Act, the Board encourages settlement of these cases by the parties involved, with the assistance of a Labour Relations Officer.

In 2009-2010, the Board received 1,048 cases under this section. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 158 were carried over from 2008-2009. Of the total 1,206 processed, 989 were disposed of; of these, awards were made by the Board in 179 cases, 10 cases were dismissed, and 217 cases were pending on March 31, 2010. **(Table 1)**

In 989, or 82% of the 1,206 dispositions, settlements and withdrawal of the grievance were obtained by labour relations officers. **(Table 3)**

MISCELLANEOUS APPLICATIONS AND COMPLAINTS

Religious Exemption – Exemption from Union Security Provision in Collective Agreement

Ten applications were processed under section 52 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. Two applications were settled, and the remaining 8 were pending on March 31, 2010. **(Table 1)**

Early Termination of Collective Agreements

Eleven applications were processed under section 58(3) of the Act, seeking early termination of collective agreements. Consent was granted in ten cases and one case was settled. **(Table 1)**

Jurisdictional Disputes

One-hundred and fifty-three complaints were dealt with under section 99 of the Act involving union work jurisdiction. An assignment of work in dispute was made by the Board in 7 cases, 33 cases were settled, 12 cases were dismissed, 2 were terminated, and 99 cases were pending on March 31, 2010. **(Table 1)**

Referral on Employee Status

The Board dealt with 24 applications under section 114(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Five cases were settled by the parties in discussions with labour relations officers. Four cases were granted, two cases were dismissed, and the remaining 13 cases were pending on March 31, 2010. **(Table 1)**

Referrals by Minister of Labour

In 2009-2010, the Board dealt with 45 cases referred by the Minister under section 115 of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 18 of the Act, or an arbitrator under sections 48 or 49. Four applications were settled, and 41 cases were pending on March 31, 2010. **(Table 1)**

The Board also dealt with 11 cases referred by the Minister under subsection 3(2) of the *Hospital Labour Disputes Arbitration Act.* One application was granted, six cases were settled, two cases ere terminated, and two cases were pending on March 31, 2010. **(Table 1)**

First Agreement Arbitration

In 2009-2010, the Board processed 31 applications for directions to settle first agreements by arbitration. Nine cases were settled, three cases were granted, and nineteen cases were pending on March 31, 2010. **(Table 1)**

Occupational Health and Safety Act

In 2009-2010, the Board received 82 complaints under section 50 of the *Occupational Health and Safety Act* alleging wrongful discipline or discharge for acting in compliance with the Act. Forty-six cases were carried over from 2008-2009.

Of the total 128 cases processed, 83 cases were disposed of. Of these, 73 cases were settled by the parties in discussions with labour relations officers **(Table 3)**. 7 cases were dismissed, 2 cases were granted, 1 case was terminated, and the remaining 45 were pending on March 31, 2010.

Appeals under The Employment Standard Act

The *Employment Standards Act* deals with workplace rights such as minimum wage, hours of work, overtime, vacation or public holiday pay, termination issues, and severance pay.

The Board dealt with 1,191 appeals during 2009-2010. Of the 826 cases that were disposed of, 31 were granted, 150 were dismissed, 533 cases were settled, 112 were terminated, and 365 cases were pending on March 31, 2010. **(Table 1)**

Appeals under The Occupational Health and Safety Act

The *Occupational Health and Safety Act* and its regulations ensure that workers' health and safety in the workplace is protected. Violations of the Act are investigated by health and safety inspectors; orders or decisions of inspectors are the subject of appeals to the Ontario Labour Relations Board.

Two hundred and twenty-two appeals were dealt with by the Board in 2009-2010. Of the 157 cases that were disposed of, 15 appeals were granted, 19 were dismissed, 119 cases were settled, 4 cases were terminated, and 65 cases were pending on March 31, 2010. **(Table 1)**

Applications under The Public Sector Labour Relations Transitions Act

The *Public Sector Labour Relations Transition Act, 1997* established a separate regime of successor rights governing matters that arise out of restructuring and amalgamations in the broader public sector. The Act gives the Board the power to determine new bargaining unit configurations, to appoint new bargaining agents, and to address other collective bargaining issues that may arise from municipal amalgamations, school board changes and hospital restructuring.

In 2009-2010, the Board processed 15 applications under *the Public Sector Labour Relations Transition Act, 1997.* Of the 7 cases that were disposed of, 3 cases were granted, 4 cases were settled and 8 cases were pending on March 31, 2010. **(Table 1)**

COURT ACTIVITY 2009-2010

On April 1, 2009, there were twenty-two Board matters pending before the Courts, nineteen at Divisional Court, and three at the Court of Appeal (two on the merits: *Novaquest* and *Jacobs Catalytic #1;* one leave application: *Khan*).

During the 2009-2010 fiscal year, there were twenty-one new applications for judicial review of Board decisions filed with the Divisional Court. Two applications for leave to the Court of Appeal were filed (*Presteve* and *Khaiter #2*). One application for leave was filed with the Supreme Court of Canada (*Khan*).

One applicant for judicial review (*National Waste Services*) brought a motion for a stay of the operation of the Board's decision, pending the hearing of its judicial review on the merits. The stay motion was dismissed, and the applicant subsequently abandoned the judicial review application.

The Divisional Court disposed of a total of twenty-three matters: fourteen applications for judicial review were dismissed; eight were abandoned; one was granted (*Lorraine Fraser Viscount*).

The Ontario Court of Appeal dismissed three leave applications (*Khan, Presteve* and *Khaiter #2*). The Court issued rulings on the merits of two appeals: one was dismissed (*Novaquest)*; the second (*Jacobs #1*) was allowed.

The Supreme Court of Canada dismissed one leave application (*Khan*).

On March 31, 2010, there were seventeen outstanding court applications, all of them at Divisional Court. There are no Board matters outstanding at either the Court of Appeal or the Supreme Court of Canada.

COURT ACTIVITY 2009-2010

	Outstanding	Received	Disposed Of				Pending
	April 1, 2009		Total	Granted	Dismissed	Abandoned	March 31, 2010
Divisional Court (Merits)	19	21	23	1	14	8	17
Ontario Court of Appeal (Seeking Leave)	1	2	3	0	3	0	0
Ontario Court of Appeal (Merits)	2	0	2	1	1	0	0
Supreme Court of Canada (Seeking Leave)	0	1	1	0	1	0	0
Supreme Court of Canada (Merits)	0	0	0	0	0	0	0

In addition
One application for a stay was filed, heard by a single judge of the Divisional Court, and dismissed (the judicial review of the merits was subsequently abandoned and is recorded as such).

Table 1

Total Applications and Complaints Received, Disposed of and Pending
Fiscal Year 2009-10

Type of Case	Caseload			Disposed of Fiscal Year 2009-10					Pending March 31, 2010
	Total	Pending April 1, 2009	Received Fiscal Year 2009-10	Total	Granted*	Dismissed	Terminated	Settled Withdrawn/ Sine Die	
Total	5,558	1,551	4,007	3,675	690	505	139	2,341	1,883
CERTIFICATION OF BARGAINING AGENTS	875	252	623	559	320	108	6	125	316
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	162	22	140	112	47	36	7	22	50
DECLARATION OF SUCCESSOR TRADE UNION	6	1	5	2	2	0	0	0	4
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	295	130	165	142	23	8	0	111	153
ACCREDITATION	7	3	4	5	5	0	0	0	2
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	19	2	17	15	4	0	0	11	4
CONSENT TO PROSECUTE	6	3	3	1	0	0	0	1	5
CONTRAVENTION OF ACT	1,052	394	658	624	22	147	6	449	428
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	10	1	9	2	0	0	0	2	8
EARLY TERMINATION OF COLLECTIVE AGREEMENT	11	1	10	11	10	0	0	1	0
TRADE UNION FINANCIAL STATEMENT	4	2	2	3	0	1	0	2	1
JURISDICTIONAL DISPUTE	153	93	60	54	7	12	2	33	99
REFERRAL ON EMPLOYEE STATUS	24	19	5	11	4	2	0	5	13
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR OR UNDER HLDAA	56	5	51	12	1	0	0	11	44
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,206	158	1,048	989	179	10	0	800	217
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	128	46	82	83	2	7	1	73	45
COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT	6	1	5	0	0	0	0	0	6
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	2	0	2	2	0	0	0	2	0
FIRST AGREEMENT ARBITRATION DIRECTION	31	13	18	12	3	0	0	9	19
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	6	5	1	2	1	0	0	1	4
FINAL OFFER VOTE**	14	1	13	7	5	1	0	1	7
EMPLOYMENT STANDARDS ACT (APPEAL)	1,191	295	896	826	31	150	112	533	365
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	222	72	150	157	15	19	4	119	65
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT, 1997	15	3	12	7	3	0	0	4	8
PROJECT AGREEMENT APPLICATION	3	1	2	2	0	0	0	2	1
AMBULANCE SERVICES COLLECTIVE BARGAINING ACT, 2001	3	0	3	2	0	1	0	1	1
OTHER CASE TYPES	51	28	23	33	6	3	1	23	18

* Includes cases in which a request was granted or a determination made by the Board.

** For final Offer Votes, "Granted" indicates that the offer was accepted and "Dismissed" indicates a rejection.

Table 2

Applications and Complaints Received and Disposed of
Fiscal Years 2005-06 to 2009-10

Type of Case	Number Received, Fiscal Year						Number Disposed of, Fiscal Year					
	Total	**2005-06**	**2006-07**	**2007-08**	**2008-09**	**2009-10**	**Total**	**2005-06**	**2006-07**	**2007-08**	**2008-09**	**2009-10**
Total	**20,196**	4,295	4,194	3,924	3,782	4,001	**20,231**	4,338	3,949	4,172	4,097	3,675
CERTIFICATION OF BARGAINING AGENTS	**3,584**	631	799	789	742	623	**3,507**	661	713	826	748	559
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	**576**	95	110	116	115	140	**561**	97	85	142	125	112
DECLARATION OF SUCCESSOR TRADE UNION	**41**	28	6	1	1	5	**90**	69	13	2	4	2
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	**770**	163	161	127	154	165	**781**	169	144	147	179	142
ACCREDITATION	**13**	3	2	4	2	4	**13**	1	3	3	1	5
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	**62**	11	9	13	12	17	**59**	12	8	10	14	15
DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT	**8**	4	0	2	2	0	**7**	3	0	0	4	0
CONSENT TO PROSECUTE	**15**	2	3	5	2	3	**12**	3	3	3	2	1
CONTRAVENTION OF ACT	**3,885**	954	850	718	705	658	**3,933**	910	823	784	792	624
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	**18**	0	1	3	5	9	**11**	1	1	3	4	2
EARLY TERMINATION OF COLLECTIVE AGREEMENT	**117**	10	9	10	78	10	**118**	11	9	8	79	11
TRADE UNION FINANCIAL STATEMENT	**11**	3	3	0	3	2	**11**	4	3	0	1	3
JURISDICTIONAL DISPUTE	**304**	51	54	52	93	54	**251**	50	50	50	47	54
REFERRAL ON EMPLOYEE STATUS	**57**	14	16	14	8	5	**60**	15	14	11	9	11
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR	**92**	11	15	6	9	51	**49**	9	12	12	4	12
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	**4,635**	888	855	908	936	1,048	**4,617**	905	834	917	972	989
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	**2**	0	2	0	0	0	**2**	0	2	0	0	0
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	**524**	124	113	115	90	82	**528**	120	101	114	110	83
COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT	**12**	2	3	2	0	5	**6**	1	3	1	1	0
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	**4**	0	0	1	1	2	**5**	1	0	1	1	2
FIRST AGREEMENT ARBITRATION DIRECTION	**61**	8	9	17	9	18	**48**	12	7	11	6	12
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	**10**	3	2	1	3	1	**12**	1	5	1	3	2
FINAL OFFER VOTE	**68**	17	14	9	15	13	**62**	17	10	13	15	7
EMPLOYMENT STANDARDS ACT (APPEALS)	**4,438**	1,044	991	867	640	896	**4,600**	1,046	952	968	808	826
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	**704**	212	124	101	117	150	**721**	211	127	103	123	157
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT	**62**	7	18	13	12	12	**54**	5	4	26	12	7
PROJECT AGREEMENT APPLICATION	**11**	0	5	3	1	2	**10**	0	4	3	1	2
AMBULANCE SERVICES COLLECTIVE BARGAINING ACT, 2001	**16**	1	5	4	3	3	**18**	2	6	4	4	2
OTHER CASE TYPES	**94**	9	15	23	24	23	**85**	2	13	9	28	33

Table 3

Labour Relations Officer Activity in Cases Processed *

Fiscal Year 2009-10

Type of Case	Cases in Which Activity Completed Pending April 1, 2009						
	Total Cases Assigned	**Total**	**Number**	**Percent**	**Referred to Board**	**Sine Die**	**Pending****
Total	5,558	3,675	3,078	83.8	597	2,341	1,883
CERTIFICATION OF BARGAINING AGENTS	875	559	450	80.5	109	125	316
SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	295	142	106	74.6	36	111	153
REFERRAL ON EMPLOYEE STATUS	24	11	8	72.7	3	5	13
CONTRAVENTION OF ACT	1,052	624	513	82.2	111	449	428
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,206	989	866	87.6	123	800	217
COMPLAINT UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT	128	83	72	86.7	11	73	45
EMPLOYMENT STANDARD ACTS (APPEAL)	1,191	826	672	81.4	154	533	365
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEALS)	222	157	151	96.2	6	119	65
ALL OTHER CASE TYPES	565	284	240	84.5	44	126	281

*Includes all cases assigned to labour relations officers, which may or may not have been disposed of by the end of the year.

**Includes all cases in which the officer activity may or may not be complete but which was not disposed of by the end of the year.

Table 4

Results of Representation Votes Conducted *

Fiscal Year 2009-10

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	400	25,225	17,918	7,582
Certification	336	23,100	16,335	7,142
Construction cases				
One union	42	929	852	210
Two unions	3	53	52	46
Regular cases				
One union	257	17,250	12,186	5,374
Two unions	34	4,868	3,245	1,512
Termination of Bargaining Rights				
One union	64	2,125	1,583	440

* Refers to all representation votes conducted and the results counted during the fiscal year, regardless of whether or not the case was disposed of during the year.

Table 5

Results of Representation Votes in cases Disposed of *

Fiscal Year 2009-10

	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Unions		
					In Votes			In Votes			In Votes	
Type of Case	**Total**	**Appl. Won**	**Appl. Lost**	**Total**	**Won**	**Lost**	**Total**	**Won**	**Lost**	**Total**	**Won**	**Lost**
Total	304	210	94	14,145	8,962	5,183	10,869	6,541	4,328	6,113	4,655	1,458
Certification	266	182	84	12,669	8,316	4,353	9,807	6,011	3,796	5,764	4,527	1,237
Construction cases												
One union	22	4	18	636	296	340	502	191	311	209	105	104
Two unions	4	3	1	72	33	39	78	40	38	69	33	36
Regular cases												
One union	220	156	64	10028	6344	3684	8017	4782	3235	4295	3406	889
Two unions	20	19	1	1933	1643	290	1210	998	212	1191	983	208
Termination												
One union	38	28	10	1,476	646	830	1,062	530	532	349	128	221

* Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 4 which refers to all representation votes conducted during the year regardless of whether or not the case was disposed of during the year.

Table 6

Time Required to Process Applications and Complaints Disposed of, by Major Type of Case
Fiscal Year 2009-10

	All Cases		Certification Cases		Contravention of the Act Cases		Construction Industry Grievances Cases		All Other Cases	
Time Taken (No. of Days)	Dispo-sitions	Cumulative Percent	Dispo-sitions	Cumulative Percent	Dispo-sitions	Cumulative Percent	Dispo-sitions	Cumulative Percent	Dispo-sitions	Cumulative Percent
Total	**2,785**	**100.0**	**508**	**100.0**	**504**	**100.0**	**461**	**100.0**	**1,312**	**100.0**
Under 8 days	344	12.4	95	18.7	23	4.6	142	30.8	84	6.4
8-14 days	405	26.9	114	41.1	37	11.9	171	67.9	83	12.7
15-21 days	270	36.6	90	58.9	28	17.5	47	78.1	105	20.7
22-28 days	202	43.8	24	63.6	37	24.8	23	83.1	118	29.7
29-35 days	155	49.4	20	67.5	27	30.2	17	86.8	91	36.7
36-42 days	98	52.9	7	68.9	22	34.5	10	88.9	59	41.2
43-49 days	120	57.2	12	71.3	31	40.7	5	90.0	72	46.6
50-56 days	94	60.6	8	72.8	26	45.8	5	91.1	55	50.8
57-63 days	92	63.9	8	74.4	23	50.4	6	92.4	55	55.0
64-70 days	73	66.5	4	75.2	19	54.2	2	92.8	48	58.7
71-77 days	64	68.8	7	76.6	13	56.7	2	93.3	42	61.9
78-84 days	42	70.3	3	77.2	6	57.9	3	93.9	30	64.2
85-91 days	60	72.5	1	77.4	10	59.9	4	94.8	45	67.6
92-98 days	72	75.1	6	78.5	13	62.5	1	95.0	52	71.6
99-105 days	45	76.7	3	79.1	12	64.9	1	95.2	29	73.8
106-126 days	100	80.3	11	81.3	27	70.2	2	95.7	60	78.4
127-147 days	89	83.5	9	83.1	33	76.8	3	96.3	44	81.7
148-168 days	56	85.5	4	83.9	14	79.6	1	96.5	37	84.5
Over 168 days	404	100.0	82	100.0	103	100.0	16	100.0	203	100.0

Table 7

Union Distribution of Certification Applications Received and Disposed of Fiscal Year 2009-10

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed*	Settled**
All Unions	**623**	**530**	**343**	**116**	**71**
ASBESTOS WORKERS	1	0	0	0	0
AUTO WORKERS	3	2	0	0	2
BAKERY AND TOBACCO WORKERS	1	0	0	0	0
BRICKLAYERS INTERNATIONAL	29	10	3	6	1
CANADIAN AUTO WORKERS	29	25	16	4	5
CANADIAN EDUCATIONAL WORKERS	0	1	1	0	0
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	47	37	31	4	2
CARPENTERS	63	42	30	6	6
CHRISTIAN LABOUR ASSOCIATION	23	22	18	4	0
CLOTHING AND TEXTILE WORKERS	4	3	2	0	1
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	4	3	3	0	0
ELECTRICAL WORKERS (IBEW)	17	16	11	3	2
ELEVATORS CONSTRUCTORS	2	2	2	0	0
FOOD AND COMMERCIAL WORKERS	25	24	13	6	5
FOOD AND SERVICE WORKERS	3	0	0	0	0
GRAPHIC COMMUNICATION UNION	0	1	0	1	0
HOTEL EMPLOYEES	1	1	1	0	0
INDEPENDENT LOCAL UNION	3	2	2	0	0
INTERNATIONAL OPERATING ENGINEERS	12	14	10	2	2
LABOURERS	133	130	63	38	29
MACHINISTS	10	11	6	5	0
NEWSPAPER GUILD	4	2	0	1	1
OFFICE AND PROFESSIONAL EMPLOYEES	1	1	0	1	0
ONTARIO NURSES ASSOCIATION	9	8	7	1	0
ONTARIO PUBLIC SERVICE EMPLOYEES	15	12	9	3	0
ONTARIO SECONDARY SCHOOL TEACHERS	1	1	1	0	0
PAINTERS	29	18	15	2	1
PLASTERERS	1	25	25	0	0
PLUMBERS	14	10	6	1	3
RETAIL WHOLESALE EMPLOYEES	4	4	2	2	0
SERVICE EMPLOYEES INTERNATIONAL	20	22	13	6	3
SHEET METAL WORKERS	9	6	3	1	2
STRUCTURAL IRON WORKERS	5	2	2	0	0
TEAMSTERS	24	24	11	11	2
THEATRICAL STAGE EMPLOYEES	7	4	3	1	0
TRANSIT UNION (INTL.)	3	1	1	0	0
UNITED STEELWORKERS	12	9	3	4	2
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	55	35	30	3	2

*Includes cases which were closed for administrative purposes

**Excludes cases in which proceedings were adjourned sine die

Table 8

Industry Distribution of Certification Applications Received and Disposed of Fiscal Year 2009-10

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed**	Settled
All Industries	**623**	**507**	**320**	**116**	**71**
Manufacturing	**13**	**9**	**3**	**4**	**2**
FOOD, BEVERAGES	10	7	3	2	2
PRINTING, PUBLISHING	1	1	0	1	0
RUBBER, PLASTICS	0	1	0	1	0
TEXTILES	1	0	0	0	0
TRANSPORTATION EQUIPMENT	1	0	0	0	0
Non-Manufacturing	**610**	**498**	**317**	**112**	**69**
ACCOMMODATION, FOOD SERVICES	10	6	5	0	1
CONSTRUCTION	286	233	144	44	45
EDUCATION, RELATED SERVICES	8	4	3	0	1
ELECTRIC, GAS, WATER	1	1	1	0	0
HEALTH, WELFARE SERVICES	39	31	20	9	2
HOSPITAL	7	7	2	4	1
LOCAL GOVERNMENT	1	1	1	0	0
MUNICIPAL	1	1	1	0	0
PERSONAL SERVICES	1	0	0	0	0
RECREATIONAL SERVICES	2	0	0	0	0
RETAIL TRADE	1	1	1	0	0
STORAGE	2	2	0	2	0
TRANSPORTATION	3	3	2	1	0
WHOLESALE TRADE	2	2	1	1	0
OTHER SERVICES	171	151	99	37	15
OTHER NON-MANUFACTURING	75	55	37	14	4

** Includes cases that were terminated

Table 9

Size of Bargaining Units in Certification Applications Granted
Fiscal Year 2009-10

	Total		Construction **		Non-Construction	
Employee Size *	Number of Applications	Number of Employees	Number of Applications	Number of Employees	Number of Applications	Number of Employees
Total	**317**	**9,002**	**145**	**1,094**	**172**	**7,908**
2-9 employees	158	710	120	517	38	193
10-19 employees	67	893	19	228	48	665
20-39 employees	44	1,240	3	73	41	1,167
40-99 employees	28	1,793	2	101	26	1,692
100-199 employees	12	1,749	1	175	11	1,574
200-499 employees	7	1,991	0	0	7	1,991
500 employees or more	1	626	0	0	1	626

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 319 bargaining units were certified in the 317 applications in which certification was granted.

** Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the figure in Table 8, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

Table 10

Time Required to Process Certification Applications Granted *

Fiscal Year 2009-10

	Total Certified		Non-Construction		Construction	
Working Days (including adjourments requested by the parties)	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	**320**	**100.0**	**173**	**100.0**	**147**	**100.0**
Under 8 days	55	17.2	0	0.0	55	37.4
8-14 days	85	43.8	71	41.0	14	46.9
15-21 days	65	64.1	53	71.7	12	55.1
22-28 days	20	70.3	15	80.3	5	58.5
29-35 days	15	75.0	12	87.3	3	60.5
36-42 days	3	75.9	1	87.9	2	61.9
43-49 days	9	78.8	4	90.2	5	65.3
50-56 days	5	80.3	4	92.5	1	66.0
57-63 days	7	82.5	4	94.8	3	68.0
64-70 days	1	82.8	0	94.8	1	68.7
71-77 days	3	83.8	0	94.8	3	70.7
78-84 days	1	84.1	0	94.8	1	71.4
85-91 days	0	84.1	0	94.8	0	71.4
92-98 days	3	85.0	1	95.4	2	72.8
99-105 days	1	85.3	0	95.4	1	73.5
106-126 days	6	87.2	0	95.4	6	77.6
127-147 days	3	88.1	0	95.4	3	79.6
148-168 days	3	89.1	2	96.5	1	80.3
Over 168 days	35	100.0	6	100.0	29	100.0

* Refers only to applications in which certification was granted. This table should not be confused with Table 6 which refers to all certification applications disposed of during the year regardless of the method of disposition.

Table 11

Employment Status of Employee in Bargaining Units Certified by Industry
Fiscal Year 2009-10

Industry	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	**322**	**9,003**	**7**	**476**	**3**	**351**	**12**	**856**	**300**	**7,320**
Manufacturing	**3**	**48**	**0**	**0**	**0**	**0**	**0**	**0**	**3**	**48**
FOOD, BEVERAGES	3	48	0	0	0	0	0	0	3	48
Non-Manufacturing	**319**	**8,955**	**7**	**476**	**3**	**351**	**12**	**856**	**297**	**7,272**
ACCOMODATION, FOOD SERVICES	5	82	0	0	0	0	1	17	4	65
CONSTRUCTION	146	919	0	0	0	0	2	7	144	912
EDUCATION, RELATED SERVICES	3	174	0	0	0	0	0	0	3	174
ELECTRIC, GAS, WATER	1	7	0	0	0	0	1	7	0	0
HEALTH, WELFARE SERVICES	20	947	0	0	0	0	2	540	18	407
HOSPITAL	2	195	0	0	0	0	1	158	1	37
LOCAL GOVERNMENT	1	9	0	0	0	0	1	9	0	0
MUNICIPAL	1	10	0	0	1	10	0	0	0	0
RETAIL TRADE	1	17	0	0	0	0	1	17	0	0
TRANSPORTATION	2	25	0	0	0	0	0	0	2	25
WHOLESALE TRADE	1	15	0	0	0	0	0	0	1	15
OTHER SERVICES	99	5281	6	401	2	341	2	90	89	4449
OTHER NON-MANUFACTURING	37	1274	1	75	0	0	1	11	35	1188

Table 12

Employment Status of Employees in Bargaining Units Certified by Union
Fiscal Year 2009-10

	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	**319**	**8,818**	**7**	**476**	**3**	**351**	**12**	**856**	**297**	**7,135**
BRICKLAYERS INTERNATIONAL	3	14	0	0	0	0	0	0	3	14
CANADIAN AUTO WORKERS	16	1340	0	0	0	0	0	0	16	1340
CANADIAN EDUCATIONAL WORKERS	1	19	0	0	0	0	0	0	1	19
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	31	1,665	0	0	2	325	2	19	27	1,321
CARPENTERS	31	135	0	0	0	0	0	0	31	135
CHRISTIAN LABOUR ASSOCIATION	18	357	0	0	0	0	1	127	17	230
CLOTHING AND TEXTILE WORKERS	2	22	0	0	0	0	0	0	2	22
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION	3	343	0	0	1	26	0	0	2	317
ELECTRICAL WORKERS (IBEW)	11	59	0	0	0	0	0	0	11	59
ELEVATORS CONSTRUCTORS	2	7	0	0	0	0	0	0	2	7
FOOD AND COMMERCIAL WORKERS	13	355	0	0	0	0	3	114	10	241
HOTEL EMPLOYEES	1	8	0	0	0	0	0	0	1	8
INDEPENDENT LOCAL UNION	2	21	0	0	0	0	0	0	2	21
INTERNATIONAL OPERATING ENGINEERS	10	78	0	0	0	0	0	0	10	78
LABOURERS	63	434	0	0	0	0	3	18	60	416
MACHINISTS	6	151	0	0	0	0	0	0	6	151
ONTARIO NURSES ASSOCIATION	7	230	0	0	0	0	1	158	6	72
ONTARIO PUBLIC SERVICE EMPLOYEES	9	276	0	0	0	0	1	7	8	269
ONTARIO SECONDARY SCHOOL TEACHERS	1	29	0	0	0	0	0	0	1	29
PAINTERS	15	115	0	0	0	0	0	0	15	115
PLASTERERS	2	17	0	0	0	0	0	0	2	17
PLUMBERS	7	47	0	0	0	0	0	0	7	47
RETAIL WHOLESALE EMPLOYEES	2	55	0	0	0	0	0	0	2	55
SERVICE EMPLOYEES INTERNATIONAL	13	408	0	0	0	0	0	0	13	408
SHEET METAL WORKERS	3	59	0	0	0	0	0	0	3	59
STRUCTURAL IRON WORKERS	2	12	0	0	0	0	0	0	2	12
TEAMSTERS	11	167	0	0	0	0	0	0	11	167
THEATRICAL STAGE EMPLOYEES	3	14	0	0	0	0	0	0	3	14
TRANSIT UNION (INTL.)	1	13	0	0	0	0	0	0	1	13
UNITED STEELWORKERS	3	108	0	0	0	0	0	0	3	108
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	27	2,260	7	476	0	0	1	413	19	1,371

Table 13

Occupational Groups in Bargaining Units Certified by Industry
Fiscal Year 2009-10

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	**322**	**9,003**	**130**	**1,395**	**3**	**75**	**3**	**176**	**0**	**0**	**186**	**7,357**
Manufacturing	**3**	**48**	**1**	**22**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	**26**
FOOD, BEVERAGES	3	48	1	22	0	0	0	0	0	0	2	26
Non-Manufacturing	**319**	**8,955**	**129**	**1,373**	**3**	**75**	**3**	**176**	**0**	**0**	**184**	**7,331**
ACCOMODATION, FOOD SERVICES	5	82	1	19	0	0	0	0	0	0	4	63
CONSTRUCTION	146	919	105	674	0	0	0	0	0	0	41	245
EDUCATION, RELATED SERVICES	3	174	1	7	0	0	0	0	0	0	2	167
ELECTRIC, GAS, WATER	1	7	0	0	0	0	0	0	0	0	1	7
HEALTH, WELFARE SERVICES	20	947	6	230	1	17	2	18	0	0	11	682
HOSPITAL	2	195	1	37	0	0	1	158	0	0	0	0
LOCAL GOVERNMENT	1	9	0	0	0	0	0	0	0	0	1	9
MUNICIPAL	1	10	0	0	0	0	0	0	0	0	1	10
RETAIL TRADE	1	17	0	0	0	0	0	0	0	0	1	17
TRANSPORTATION	2	25	1	13	1	12	0	0	0	0	0	0
WHOLESALE TRADE	1	15	1	15	0	0	0	0	0	0	0	0
OTHER SERVICES	99	5,281	9	348	0	0	0	0	0	0	90	4,933
OTHER NON-MANUFACTURING	37	1,274	4	30	1	46	0	0	0	0	32	1,198

Table 14

Occupational Groups in Bargaining Units Certified by Union

Fiscal Year 2009-10

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	**319**	**8818**	**130**	**1395**	**3**	**75**	**3**	**176**	**0**	**0**	**183**	**7172**
BRICKLAYERS INTERNATIONAL	3	14	1	4	0	0	0	0	0	0	2	10
CANADIAN AUTO WORKERS	16	1,340	3	127	0	0	0	0	0	0	13	1,213
CANADIAN EDUCATIONAL WORKERS	1	19	0	0	0	0	0	0	0	0	1	19
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	31	1665	2	14	1	17	0	0	0	0	28	1634
CARPENTERS	31	135	24	114	0	0	0	0	0	0	7	21
CHRISTIAN LABOUR ASSOCIATION	18	357	12	276	1	12	0	0	0	0	5	69
CLOTHING AND TEXTILE WORKERS	2	22	0	0	0	0	0	0	0	0	2	22
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	3	343	0	0	0	0	0	0	0	0	3	343
ELECTRICAL WORKERS (IBEW)	11	59	9	48	0	0	0	0	0	0	2	11
ELEVATORS CONSTRUCTORS	2	7	1	5	0	0	0	0	0	0	1	2
FOOD AND COMMERCIAL WORKERS	13	355	2	34	0	0	0	0	0	0	11	321
HOTEL EMPLOYEES	1	8	0	0	0	0	0	0	0	0	1	8
INDEPENDENT LOCAL UNION	2	21	0	0	0	0	0	0	0	0	2	21
INTERNATIONAL OPERATING ENGINEERS	10	78	9	44	0	0	0	0	0	0	1	34
LABOURERS	63	434	33	189	0	0	0	0	0	0	30	245
MACHINISTS	6	151	1	13	0	0	0	0	0	0	5	138
ONTARIO NURSES ASSOCIATION	7	230	1	11	0	0	3	176	0	0	3	43
ONTARIO PUBLIC SERVICE EMPLOYEES	9	276	1	13	0	0	0	0	0	0	8	263
ONTARIO SECONDARY SCHOOL TEACHERS	1	29	0	0	0	0	0	0	0	0	1	29
PAINTERS	15	115	11	88	0	0	0	0	0	0	4	27
PLASTERERS	2	17	2	17	0	0	0	0	0	0	0	0
PLUMBERS	7	47	6	46	0	0	0	0	0	0	1	1
RETAIL WHOLESALE EMPLOYEES	2	55	0	0	0	0	0	0	0	0	2	55
SERVICE EMPLOYEES INTERNATIONAL	13	408	5	259	0	0	0	0	0	0	8	149
SHEET METAL WORKERS	3	59	2	56	0	0	0	0	0	0	1	3
STRUCTURAL IRON WORKERS	2	12	2	12	0	0	0	0	0	0	0	0
TEAMSTERS	11	167	1	7	0	0	0	0	0	0	10	160
THEATRICAL STAGE EMPLOYEES	3	14	0	0	0	0	0	0	0	0	3	14
TRANSIT UNION (INTL.)	1	13	0	0	0	0	0	0	0	0	1	13
UNITED STEELWORKERS	3	108	1	14	0	0	0	0	0	0	2	94
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	27	2260	1	4	1	46	0	0	0	0	25	2210

Table 15

CERTIFICATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN APRIL 1, 2009 AND MARCH 31, 2010

Number of Cases
Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20	Total
Fiscal 09/10											
Industrial	0	251	12	9	2	1	0	2	0	0	**277**
Construction	5	9	9	0	0	0	0	1	0	0	**24**
Total	**5**	**260**	**21**	**9**	**2**	**1**	**0**	**3**	**0**	**0**	**301**

Percentage of Cases
Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20
Industrial	0.00%	90.61%	4.33%	3.25%	0.72%	0.36%	0.00%	0.72%	0.00%	0.00%
Construction	20.83%	37.50%	37.50%	0.00%	0.00%	0.00%	0.00%	4.17%	0.00%	0.00%
Total	1.66%	86.38%	6.98%	2.99%	0.66%	0.33%	0.00%	1.00%	0.00%	0.00%

Summary
Percentages of votes held within

	5 days or less	7 days or less	10 days or less
Industrial	90.61%	98.19%	99.28%
Construction	58.33%	95.83%	95.83%
Total	88.04%	98.01%	99.00%

16A

New Certification Applications Received By Quarter, April 1, 2000 to March 31, 2010

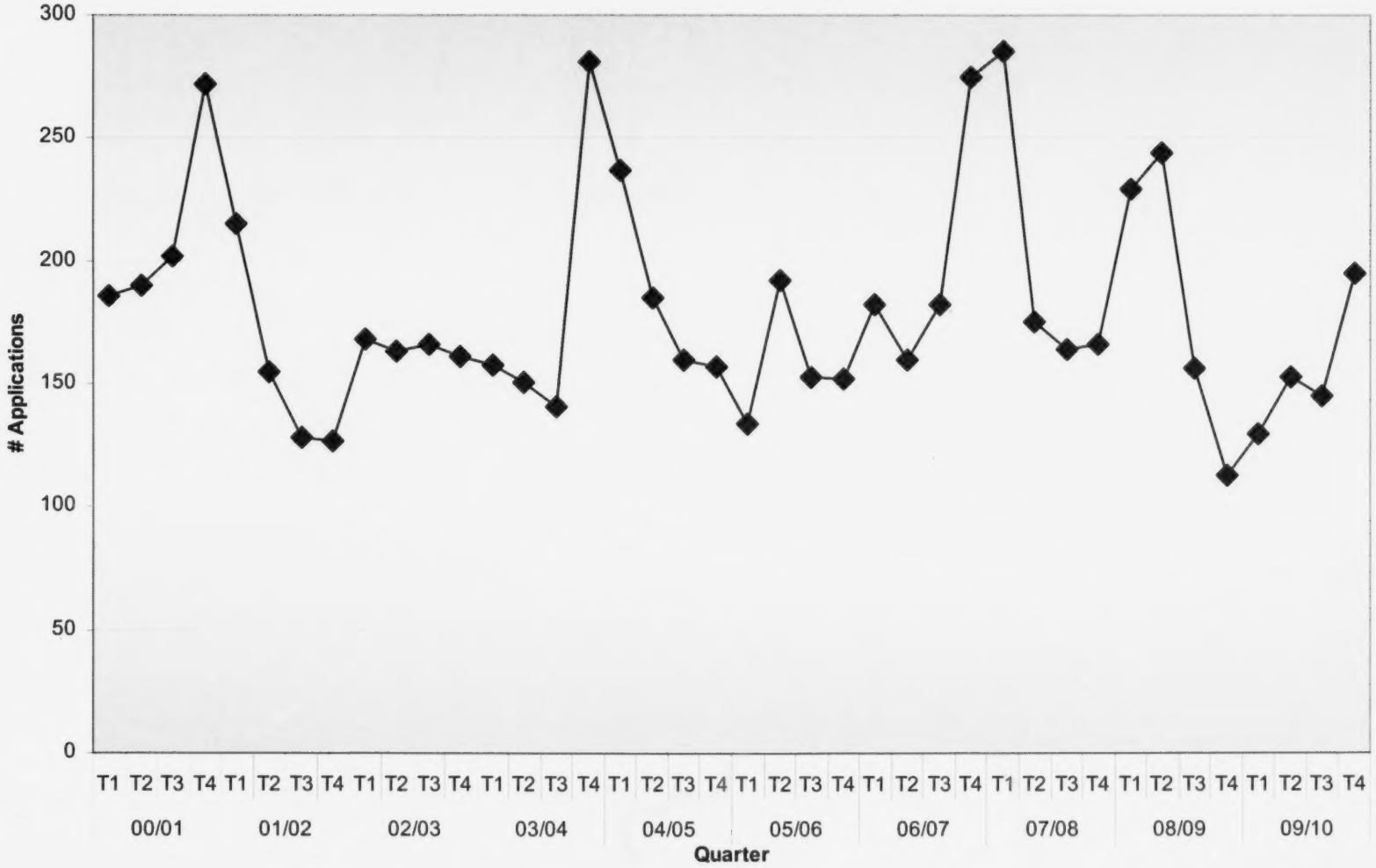


Table 16

NEW CERTIFICATION APPLICATIONS RECEIVED

By Quarter, April 1, 2000 to March 31, 2010

Fiscal Year	1st	2nd	3rd	4th	Total
00/01	186	190	202	272	**850**
01/02	215	155	128	127	**625**
02/03	168	163	166	161	**658**
03/04	158	151	141	281	**731**
04/05	237	185	160	157	**739**
05/06	134	192	153	152	**631**
06/07	182	160	182	275	**799**
07/08	285	175	164	166	**790**
08/09	229	244	156	113	**742**
09/10	130	153	145	195	**623**
Total	**1924**	**1768**	**1597**	**1899**	**7188**

Table 17

TERMINATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN APRIL 1, 2007 AND MARCH 31, 2010

Number of Cases
Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20	Total
Fiscal 06/07	0	31	17	3	1	0	2	2	2	2	60

Percentage of Cases
Number of Days between application date and date vote held

Under 5	5	6	7	8	9	10	11-15	16-20	Over 20
0.00%	51.67%	28.33%	5.00%	1.67%	0.00%	3.33%	3.33%	3.33%	3.33%

Summary
Percentages of votes held within

5 days or less	7 days or less	10 days or less
51.67%	85.00%	90.00%

18A

New Termination Applications Received By Quarter, April 1, 2000 to March 31, 2010

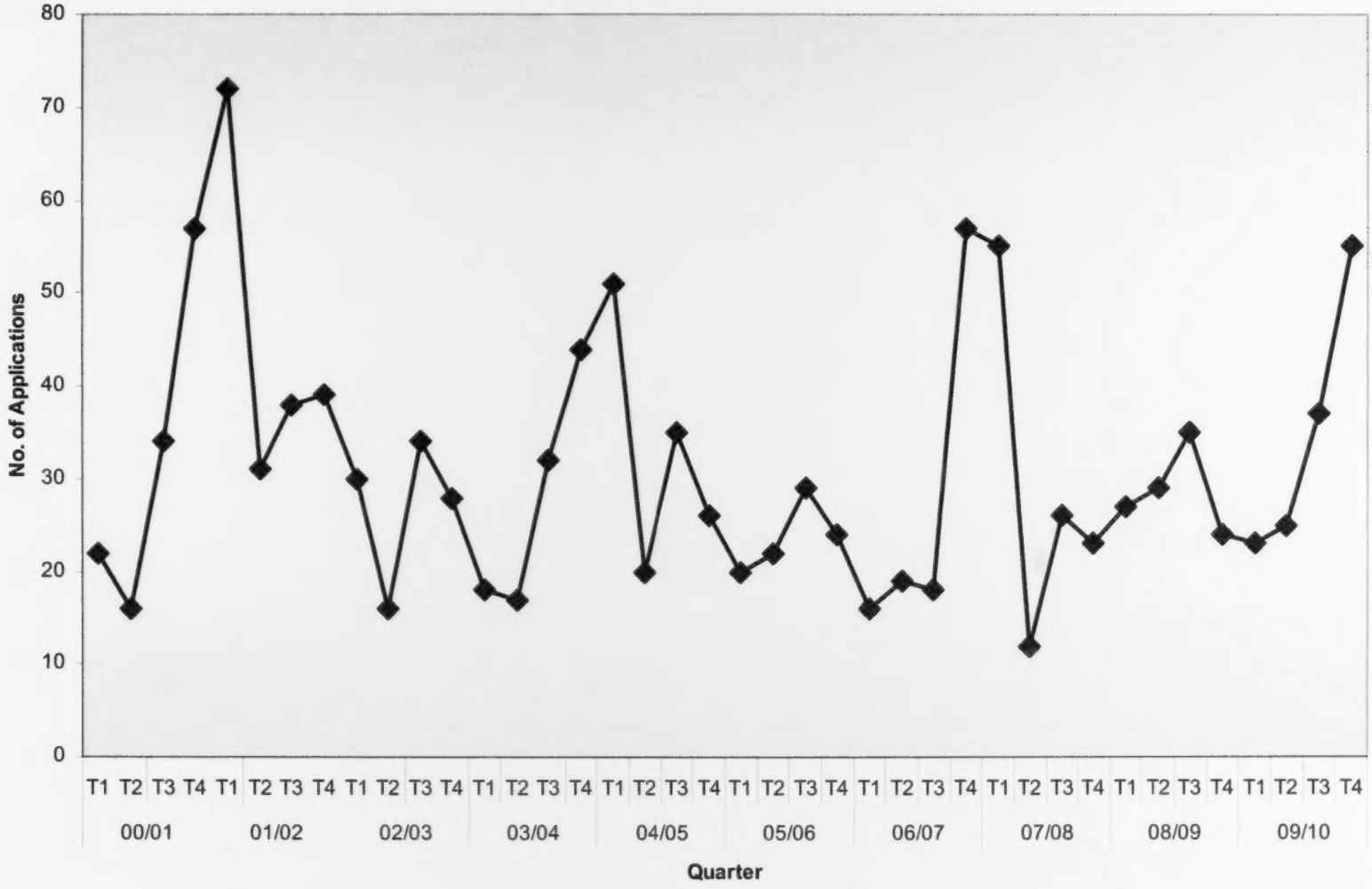


Table 18

NEW TERMINATION APPLICATIONS RECEIVED

By Quarter, April 1, 2000 to March 31, 2010

Fiscal Year	1st	2nd	3rd	4th	Total
00/01	22	16	34	57	**129**
01/02	72	31	38	39	**180**
02/03	30	16	34	28	**108**
03/04	18	17	32	44	**111**
04/05	51	20	35	26	**132**
05/06	20	22	29	24	**95**
06/07	16	19	18	57	**110**
07/08	55	12	26	23	**116**
08/09	27	29	35	24	**115**
09/10	23	25	37	55	**140**
Total	**334**	**207**	**318**	**377**	**1236**

19A

New Unfair Labour Practice Applications Received By Quarter, April 1, 2000 to March 31, 2010

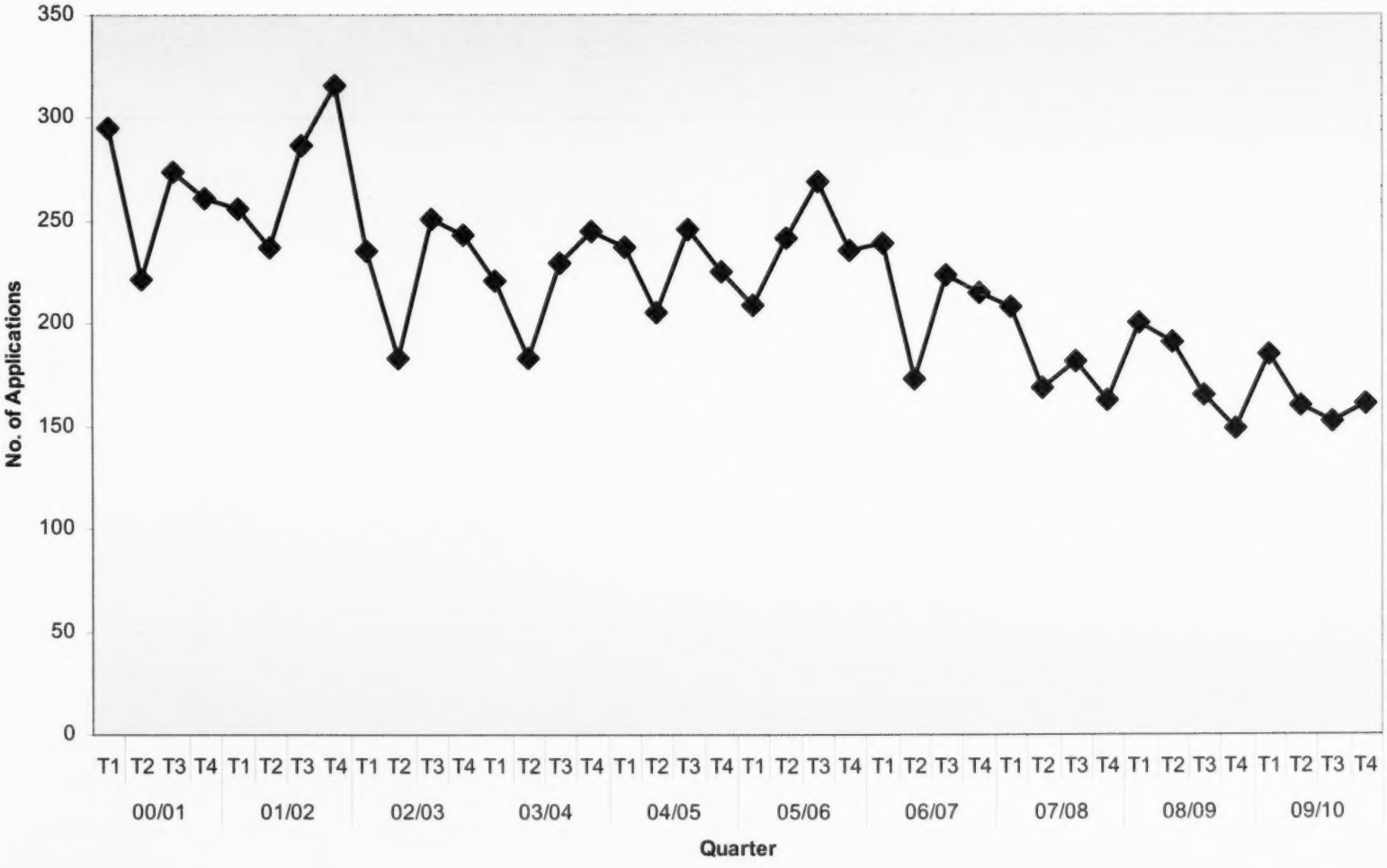


Table 19

NEW UNFAIR LABOUR PRACTICE APPLICATIONS RECEIVED

By Quarter, April 1, 2000 to March 31, 2010

Fiscal Year	1st	2nd	3rd	4th	Total
00/01	295	222	274	261	**1052**
01/02	256	237	287	316	**1096**
02/03	235	183	251	243	**912**
03/04	221	183	229	245	**878**
04/05	237	205	246	225	**913**
05/06	209	241	269	235	**954**
06/07	239	173	223	215	**850**
07/08	208	169	181	163	**721**
08/09	200	191	165	149	**705**
09/10	185	160	152	161	**658**
Total	**2285**	**1964**	**2277**	**2213**	**8739**

20A

New Construction Industry Grievances Applications Received By Quarter, April 1, 2000 to March 31, 2010

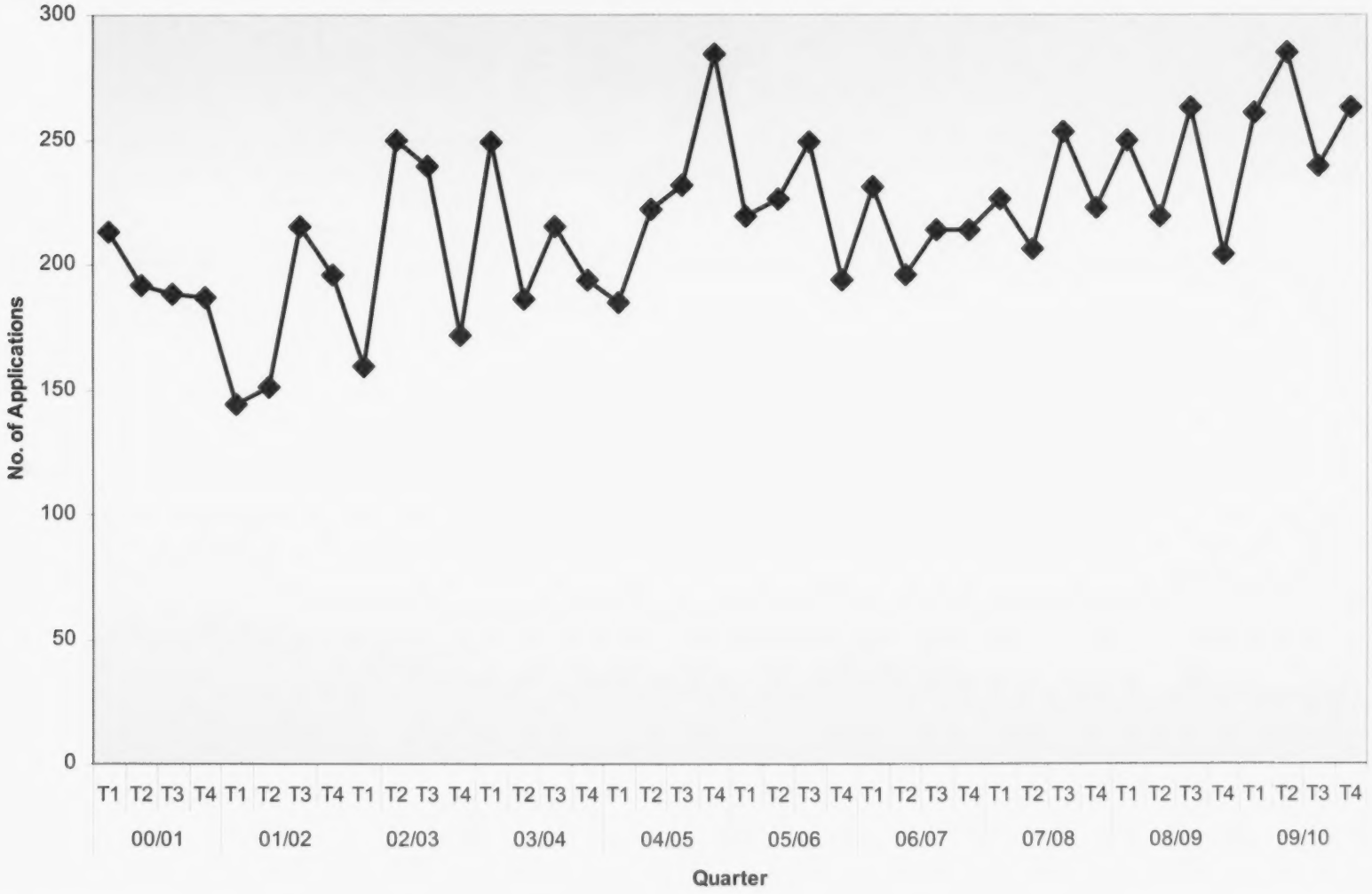


Table 20

NEW CONSTRUCTION INDUSTRY GRIEVANCE APPLICATIONS RECEIVED

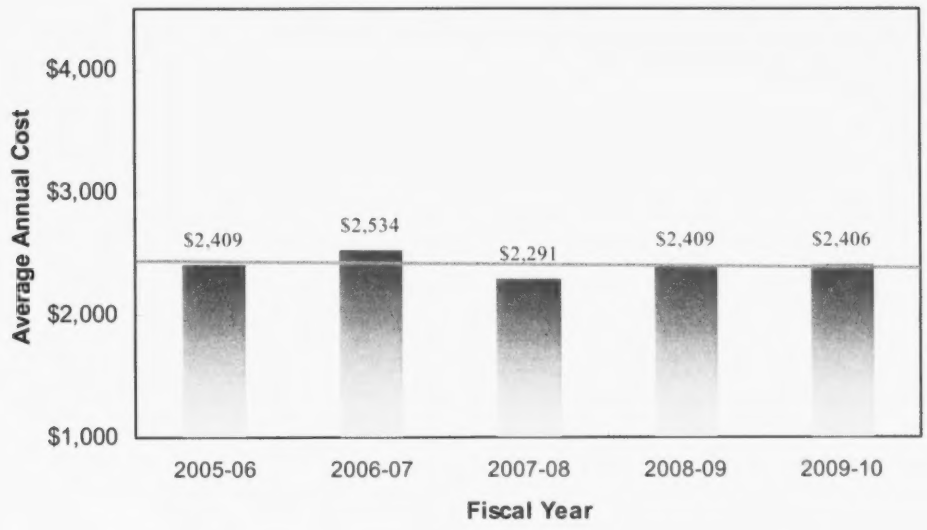
By Quarter, April 1, 2000 to March 31, 2010

Fiscal Year	1st	2nd	3rd	4th	Total
00/01	213	192	188	187	**780**
01/02	144	151	215	196	**706**
02/03	159	250	239	172	**820**
03/04	249	186	215	194	**844**
04/05	185	222	232	284	**923**
05/06	219	226	249	194	**888**
06/07	231	196	214	214	**855**
07/08	226	206	253	223	**908**
08/09	250	219	263	204	**936**
09/10	261	285	239	263	**1048**
Total	**2137**	**2133**	**2307**	**2131**	**8708**

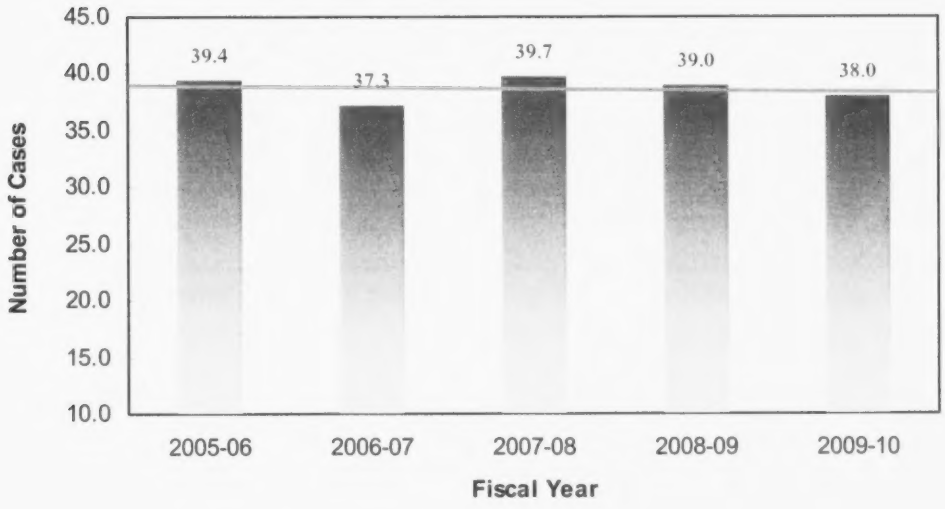
OLRB Case Management Efficiencies 2004-2010

Each year the Board undertakes an analysis of its case management efficiencies and reports back on its annual disposition costs. The analysis reviews the number of cases disposed of per FTE (full time employee) and the average annual cost per case calculations and compares the results against the previous fiscal years.

Average Annual Disposition Cost per Case



Average Annual Disposed Cases per FTE



III OLRB – Performance Measures

Each year the OLRB provides a broad accountability of progress achieved on our core performance measures. We take each of our goals and track progress on a series of performance measures designed to assess whether the Board is measuring up to corporate standards and program targets/commitments.

Measure	Standard / Target	2009-2010 Commitments	2009-2010 Achievements
Fiscal Measures: **% variance between year end allocation expenditure**	Less than 2% variance between year end allocation and expenditure	Less than 2% variance between year end allocation and expenditure	**Actual:** **- 3.4 % variance** Approved budget = 12, 755.3 Actual expenditure = 12, 319.6
Program Effectiveness Measures: Meeting legislated time lines	90% Industrial cert. votes held within 5-7 days.	90% cert. votes held within 5-7 days.	**Actual:** **98 %** of votes held within 5-7 days or less
	95% held within 7-10 days	95% held within 7-10 days	**99 %** of votes held within 7-10 days or less
	5% or less held within more than 10 days	5% or less held within more than 10 days	**1 %** of votes held in more than 10 days
% of LRA cases settled by mediation	85% of LRA cases settled through mediation	85% of LRA cases settled through mediation	**Actual:** **84%** *Based on completed case activity in certification/ unfair labour practices/grievances. and other cases.
% of ES and HS appeal cases settled by mediation	ES cases = 75% HS cases = 75%	ES cases = 75% HS cases = 75%	**Actual:** **82.0% -** ESA appeals **96.0% -** OHSA appeals
% of judicial reviews upheld	90-100% of judicial reviews upheld Board decision	90-100% of judicial reviews upheld Board decision	**Actual:** **100%***Based on 23 disposed cases: 1 - granted 14 - dismissed, 8 - abandoned 0 - withdrawn

IV OLRB - Financial Performance

The OLRB is established as an independent administrative tribunal, and operates at arm's length from the Ministry of Labour. However, from a budgetary perspective, the OLRB is an Adjudicative Agency accountable to the Minister of Labour. The Board's annual operating budget is part of the Ministry's estimates and allocation process and the Board is required to report quarterly on its expenditures and planned commitments.

The Deputy Minister of Labour has delegated authority for specific financial and administrative transactions to the Chair of the Board, the Director and Managers.

The OLRB is subject to audit review and expenditure constraints and its managers are accountable for following established management practices and using public resources for authorized purposes.

Fiscal Year – 2009/2010
All figures in $000.0 thousand

Account	Final Budget	Total Actual Expenditure	Variance	% Variance	Explanation
Salaries & Wages	8,427.1	8,353.0.	73.2	0.9%	
Benefits	1,053.2	1,037.3	15.9	1.5%	
Transp. & Comm.	667.8	445.9	221.9	33.2%	Reduced travel costs
Services (incl. Lease)	2,488.8	2,204.3	284.5	11.4%	Lease savings returned to Treasury
Supplies & Equipment	116.4	203.8	(87.4)	-75.0%	Constraints applied
Total ODOE	3,273.0	2,853.9	419.1	12.8%	
Total ***	**12,753.3**	**12,245.1**	**508.2**	**4.0%**	***Constraint target achieved***

***Savings used to offset costs/expenditures**

Non-Tax Revenue	2009-2010 Actual Revenue
Construction Grievances	509.7
Subscriptions	29.2
Total	**538.9**